

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

7	ADAUTO REYNOSO,	)	Case No. 09-3225 SC
8		)	
9	Plaintiff,	)	ORDER DENYING PLAINTIFF'S
10		)	APPLICATION FOR SERVICE
11	v.	)	<u>UPON THE SECRETARY OF STATE</u>
12		)	
13	PAUL FINANCIAL, LLC, SAXON	)	
14	MORTGAGE SERVICES, INC., QUALITY	)	
15	LOAN SERVICE CORP., CITYMUTUAL	)	
16	FINANCIAL, PROFESSIONAL APPRAISERS	)	
17	CO., and DOES 1 through 50,	)	
18	inclusive,	)	
19		)	
20	Defendants.	)	
21		)	

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Plaintiff seeks to serve his Complaint upon Defendant CityMutual Financial ("CityMutual") by substituted service on the California Secretary of State. Docket No. 34 ("Service Mot."). A court may order service upon a corporate defendant "by hand to the Secretary of State," if "the agent designated cannot with reasonable diligence be found at the address designated for personally delivering the process . . . ." Cal. Civ. Proc. Code § 416.10(d); Cal. Corp. Code § 1702(a). Plaintiff has attached affidavits to his Service Motion that describe his attempts to serve CityMutual, and he claims that CityMutual's agent for service could not be found at two different addresses. See Service Mot. at 8-10. However, Plaintiff has not submitted evidence that the

1 addresses he cites are in fact the "address[es] designated for  
2 personally delivering the process . . . ." Plaintiff can easily  
3 remedy this by resubmitting the Service Motion with sufficient  
4 documentation. Plaintiff's Service Motion is therefore DENIED  
5 WITHOUT PREJUDICE. Plaintiff may resubmit the Service Motion  
6 within ten (10) days of the date of this Order.

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8 IT IS SO ORDERED.

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10 Dated: November 16, 2009

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12 UNITED STATES DISTRICT JUDGE  
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